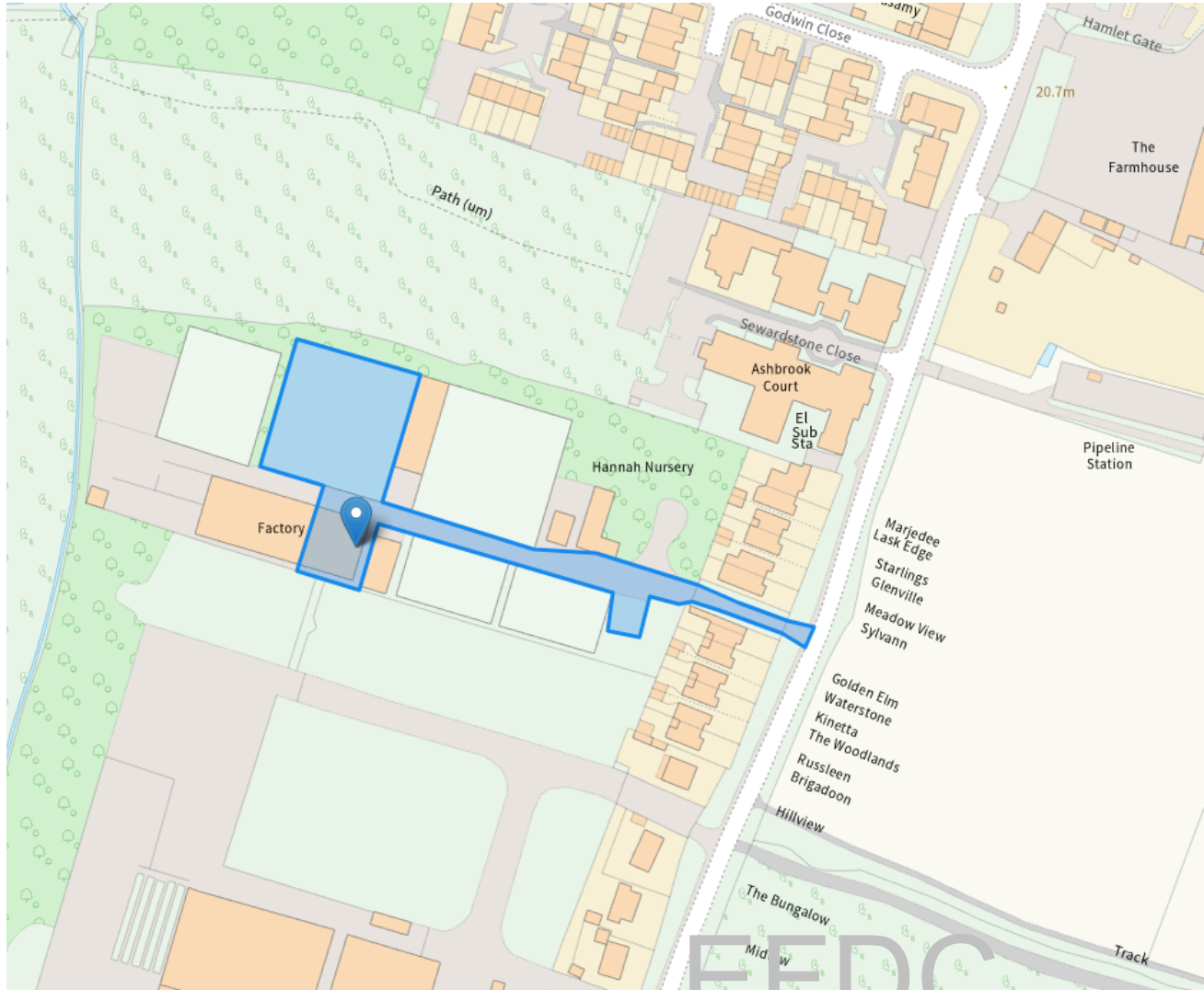




Epping Forest District Council

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Application Number:	EPF/2356/20
Site Name:	Hannah Nursery Sewardstone Road E4 7RG

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OFFICER REPORT

Application Ref: EPF/2356/20
Application Type: Full planning permission
Applicant: Messrs Gaiteri, Filocco, Martorana & Di Maria
Case Officer: Caroline Brown
Site Address: Hannah Nursery Sewardstone Road E4 7RG
Proposal: Use of a former glasshouse for the display of cars for sale. Use of industrial unit in part of former packing shed building for ancillary storage of cars as ancillary offices & provision of x8 no. ancillary staff car parking spaces.
Ward: Waltham Abbey High Beach
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxLq>
Recommendation: Approve with Conditions

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

Hannah Nursery' was historically a long-established horticultural site comprising of blocks of glasshouses, located to the west of Sewardstone Road, to the rear of residential properties fronting onto Sewardstone Road. Access lies in between 2 bungalows with a 4.5m wide vehicular access track that runs down the centre of the site.

Glasshouses cover a significant proportion of the site and a number of other buildings on the southern side comprising of two former packing shed buildings. The area to the west of Sewardstone Road is concentrated by nurseries and horticultural nurseries within the boundaries of the Green Belt.

A large former packhouse building replaced a block of glasshouses approved in 2012 Ref: EPF/1621/12. Due to the long term vacancy of the glasshouses and the a decline in the viability of the nursery, planning permission was granted in February 2019 for the change of use of the large former packing shed to Class B2 general industrial use and for the use of an adjacent glasshouse for ancillary car storage, related parking for a total of 16 cars, landscaping to the west of the glasshouses and tree planting along the western periphery of the site and the demolition of the existing scaffolding unit. (Ref: EPF/3345/18).

In 2019, the former packhouse was subdivided into 3 units, one of which was for the manufacture of double-glazed windows and doors and the other 2 Units B & C used for the repair and servicing of motor vehicles to the western end of the site with an area of hardstanding subdivided by metal fencing used for the parking of cars and 2 portacabins for use in connection with Unit C.

The site lies within the boundaries of the Metropolitan Green Belt, no Listed Buildings attributed to the site, and it is not within a Conservation Area.

Description of Proposal:

The application seeks to regularise the use of a former packhouse building in connection with the horticultural use glasshouse (last used by a double-glazed firm) for the display of cars for sale and the

packing shed for ancillary storage of cars, ancillary offices and 8 ancillary staff landscaped car parking spaces sited close to the main entrance.

Precision Motor Group is an online based used car seller. Visits to the site are by appointment only, with a proposed time lock on the site entrance gate, operating between the hours of 07.00 to 18.00 Monday to Saturday and not Sundays or Bank Holidays.

The proposed 8 staff car parking spaces area is currently being used for the storage of shipping containers and commercial vehicles.

Relevant History:

EPF/3345/18: Demolition of existing scaffolding unit, removal of existing fencing and portacabins, use of existing building for Class B2 industrial use and adjacent glasshouse for ancillary car at Hannah Nursery, Sewardstone Road, Waltham Abbey, Essex – approved - February 2019.

EPF/1621/12 Demolition of the existing glasshouse and the erection of a new pack house - Approved
EPF/2408/07 Erection of agricultural tie dwelling - Refused 04/01/08 (Allowed on Appeal) - Not Implemented.

EPF/0976/96 Erection of new glasshouses - Approved 24/09/96

Applied Policies:

Development Plan Context

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

CP2: Protecting the Quality of the Rural and Built Environment

CP3 New development

GB2A Development in the Green Belt

GB7A Conspicuous Development

GB8A change of use and adaptation of buildings in the Green Belt.

LL11- Landscaping Schemes

ST1 - Location of development

ST4 Road Safety

ST6 Vehicle Parking

NC1 SPAs, SACs and SSSIs

National Planning Policy Framework (NPPF), 2021

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either.

a) approving development proposals that accord with an up-to-date development plan without delay; or
b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan have been put forward without prejudice to the Inspector’s final conclusions on the Plan.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

Policy	Weight Afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
LL11 - Landscaping schemes	Significant
T1 - Sustainable Transport Choices	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant

Consultation Carried Out and Summary of Representations Received:

WALTHAM ABBEY PARISH COUNCIL - No Objection.

11 adjoining neighbours were notified, and 7 objections have been received:

Golden Elm, Sewardstone Road

- Due to the businesses on this site, mostly cars/mot/exhaust modifications etc. there is a constant problem with cars racing in and out of the driveway at all times of the day and evening, this includes weekends, bank holidays and Christmas no consideration for neighbours, Noise.

Meadow View, Sewardstone Road

- This is agricultural land, the entrance is much too small for the huge lorries coming in and out which causes traffic congestion on Sewardstone Rd, also the noise when unloading said vehicles is unacceptable

-

Russlyn, Sewardstone Road, Chingford, E7RG

- the plans for Hannah Nursery are not appropriate to take place at the bottom of my 40-foot garden.
- Loss of privacy; noise and pollution.

Waterstone, Sewardstone Road, Chingford

- Constant noise on a daily basis including Sundays
- We have cars speeding up and down testing out new exhausts that have been fitted on site, they speed on the site and in the driveway between the 2 houses on the entrance.
- The congestion on Sewardstone Road is terrible as we have the car boot all summer and now all the cars and large lorries in and out of Hannah Nursery.

Grenville:

- the extra traffic it will cause on the road which is overloaded all ready and more noise and pollution we need the nursery to produce food now we are living the EU.

Mr & Mrs Collins, Brigadoon Sewardstone Road,

- This application seeks to further intensify the site use for Non -Agricultural Purposes in a green belt location.
- The intensification of the proposed activity of this site for motor trade sales would result not only in the loss of further local glass house facility, but the introduction of a retail facility into a residential area, this would no doubt result in significant increases in car journeys to and from the site from customers and large car transporters making deliveries- this will only add to the ongoing disruption
- Further loss of amenity to ourselves and our immediate neighbours will also escalate from noise and light pollution. Whilst it is noted that the applicants planning statement proposes a time locked gate facility to the site access, there is little faith amongst the existing residents that this will be complied with.

Barbara Cowan, Woodlands, Sewardstone Road, Chingford E4

- The applicant proposes a significant uplift in vehicle parking provision for the development and a significant intensification of the access.
- The applicant states in response to Q5 of the application form this change of use has already begun and this is borne out by local concerns, particularly around working hours, noise and additional vehicle impacts, in particular the "revving" of car engines and the speed of exit by a number of drivers. The use of the former greenhouses for such an unrelated business already creates problems for the neighbours here and any additional burden on both the amenity of neighbours and the public highway should be strongly resisted.

Issues and Considerations:

The main issues to consider are:

- Impact of the proposed change of use on the Metropolitan Green Belt,
- Impact on neighbour amenities.
- Parking and highways
- Land drainage
- EFSAC

Impact Metropolitan Green Belt

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting is clearly outweighed by other considerations.

Paragraph 145 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt and gives exceptions to this.

Paragraph 146 states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it.

d) of 146 states that, 'the reuse of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction; provided they preserve its openness and does not conflict with the purposes of including of land within it.

The buildings are of substantial construction with the former packing shed of a steel framed construction on a concrete slab, blockwork lower walls and clad with insulated profile steel panels and a roller shutter door. The glasshouse is supported by steel posts and beams set in a solid concrete floor. The lower parts of the walls are in blockwork and the walls are clad with solid sheeting with a single roller shutter door to the front elevation.

Policy GB8A supports the change of use and adaptation of buildings in the Green Belt and Local Plan policies and the National Planning Policy Framework (NPPF) allow for the change of use or adaptation of buildings in the Green Belt.

Paragraph 83 of the NPPF promotes the "*sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings...*".

Hannah Nursery is located in the Green Belt and where the past horticultural use has now ceased, and the Council has already granted permission to convert buildings to alternative commercial uses. This application relates in part to one of those buildings and to a permanent glasshouse sited adjacent to one approved for change of use.

The caveat of such conversions within the Green Belt are that: '*they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*".

The use would not result in any increase in floor area or intensification of use than the previous uses and therefore there is no significantly greater impact on the openness of the Green Belt or to the purposes of including land within it and not constitute inappropriate development.

Impact on neighbouring amenity

The glasshouses are sited at a satisfactory distance from nearby residential properties, and it is considered that their amenity is maintained to an acceptable level. Appropriate conditions would ensure that the hours of use are limited to protect the amenities of surrounding neighbours. The applicant also confirms that they would be installing an automatic time-lock on the entrance gate to ensure that tenants could not use the site outside these hours.

Having regard to the nature of the proposed use and its surroundings, it is not considered that the size of the unit and activities associated with such a use would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise, disturbance and accords with the requirements of policy DBE9 of the adopted Local Plan and DM9 of the emerging Local Plan.

Comments on Representation Received

The concerns expressed by the residents are noted. Hannah Nursery has been operating as a commercial site for some years due to the lack of viability of the previous agricultural use which was documented in the application EPF/3345/18 and is the reason why a change to an alternative commercial was allowed. The NPPF guidance considers the reuse of existing buildings in the Green Belt for commercial purposes as appropriate and is supportive of rural based enterprise and employment.

The packhouse approved under planning ref: EPF/1621/12 and the approved workshop for the manufacturing of double-glazing units would have generated a number of vehicle movements and the use displaying a cars and ancillary office space is not considered as generating any additional movements or noise and disturbance.

Highway and Parking

The Highway Authority raises no objections as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

Trees and Landscaping

No objection

Land Drainage:

Further details are required to be submitted to the Local Planning Authority of the disposal of foul sewage, surface water and drainage prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered necessary and reasonable.

Impact on the Special Area of Conservation

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination

with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

- 1) Recreation activities arising from new residents (recreational pressures); and
- 2) Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

- 1) The development would not result in a net increase in traffic using roads through the EFSAC.

The Council is therefore satisfied that the application would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

Conclusion:

The reuse of a former horticultural building and glasshouse is appropriate in its context and would not result in any additional harmful impact on the openness of the Green Belt and would not significantly prejudice the amenity of the occupiers of adjoining properties. Other aspects in relation to parking/highway safety and landscaping are considered satisfactory subject to the imposition of conditions.

Having regard to economic, social and environmental factors as set out in the National Framework, 2021 and the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017 the use is supported. In the light of the above considerations, it is recommended that planning permission is Approved

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Caroline Brown
Direct Line Telephone Number: 01992 564182***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (5)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: SK01; SK02; 4020/1; 4020/2; Planning Statement

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 2 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 3 The use hereby permitted shall only be open to customers between the hours of 07.00 to 18.00 on Monday to Saturday and at no time on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The existing storage containers and commercial vehicles stored where the staff parking is to be located shall be removed within 3 months from the date of this decision notice and drawing number SK01 implemented

Reason: the existing storage containers and commercial vehicles are incompatible with the use and the surrounding area

- 5 All the cars associated with the change of use of the former packhouse and glasshouse as shown on the submitted drawings are to be confined wholly within the buildings and not stationed anywhere outside.

Reason:- The site is within the Metropolitan Green Belt, where there is a presumption against development unless required essentially for the purposes of agriculture, forestry or for other recognised Green Belt purposes. in accordance with the guidance contained within the National Planning Policy Framework, policies GB2A and GB7A of the adopted Local Plan and Alterations, and Policy DM4 of the Epping Forest District Council Local Plan Submission Version 2017.

Informatives: (1)

- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant

planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.